

HOW TO BE A TENANT

BY LEGAL AID SERVICES OF OREGON



THE LAW IS COMPLICATED

- Find it on oregonlawhelp.org
- If your landlord takes you to court, we strongly recommend you see a lawyer
- Call:
 - **LEGAL AID: 503 655-2518**
 - OR
 - **Oregon Lawyer Referral Service 503 684-3763**

APPLICATIONS

- Landlord may charge a Screening Fee (actual cost)
- Expect the Screen to check:
 - Credit history
 - Income
 - Criminal records
 - Prior Evictions
- Landlords cannot charge other application fees

GET IT IN WRITING

- Written rental agreements protect both sides
 - *Oral agreement is allowed and enforceable*
- Most landlords use a form. Read it carefully.
- Most landlords in Oregon use either a 1 year, 6 month or month-to-month agreement.



SECURITY DEPOSITS

- Common, usually one month's rent
- Refundable within 31 days after move-out
- Separate from "Last Month's Rent"
- Can include a deposit to hold the unit

LANDLORD/TENANT LAW DOESN'T ALWAYS APPLY

- Motels for stays, less than 30 days
- Campgrounds
- Dorms, Nursing Homes
- Housing Necessary for Employment
- Roommates, unless owner is renting out rooms



WHAT ABOUT PETS?



PETS



Landlords can:

- Prohibit pets
- Require pet deposits
- Make weight/type restrictions
- Impose fee for violating rules

****EXCEPT** when the pet is needed to help with a disability



PAYING THE RENT

- Most rent is due on the 1st of the month
 - *Late fee*
 - *72-hour notice to pay the rent or leave*
- You do not have to pay the late fee w/in 72 hours
- Do not withhold rent if you are having a dispute unless a lawyer tells you to do so
- GET A RECEIPT WHEN YOU PAY RENT!



GETTING REPAIRS

- The law lists what rentals must provide
- Landlord must keep unit in good repair
- If you have a problem, first call AND write the landlord
 - *Some landlords require that you first fill out a written request. Keep a copy!*
- Problem with an essential service?
- RENTALS MUST HAVE.....

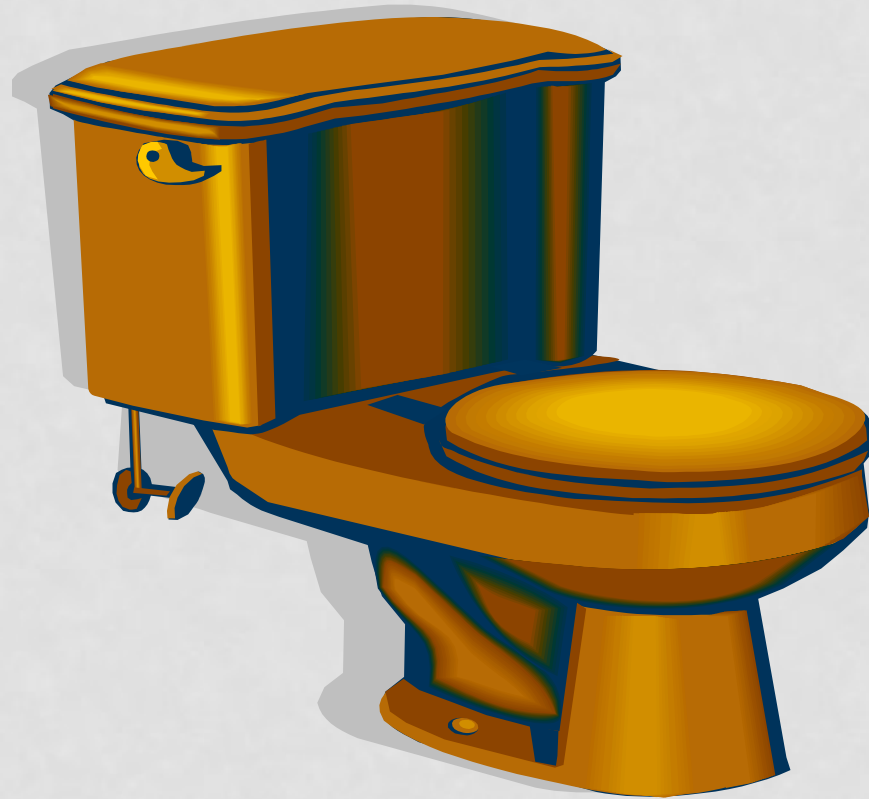
HOMES MUST HAVE EFFECTIVE WEATHER PROTECTION



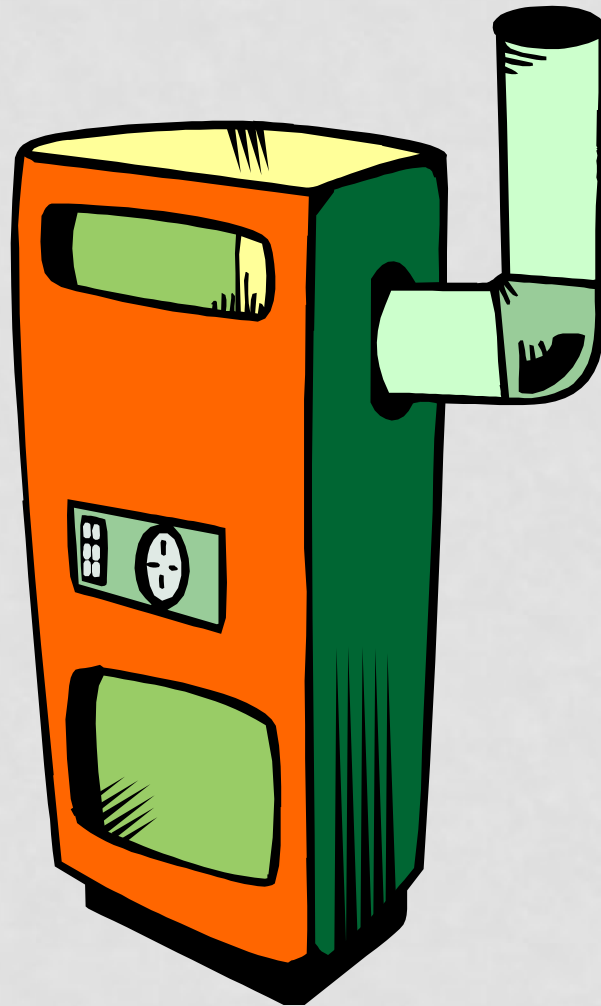
EVERY DWELLING NEEDS RUNNING WATER (HOT, COLD, DRINKABLE)



WORKING PLUMBING



ADEQUATE HEATING



ELECTRICAL LIGHTING AND WIRING (IN GOOD REPAIR)

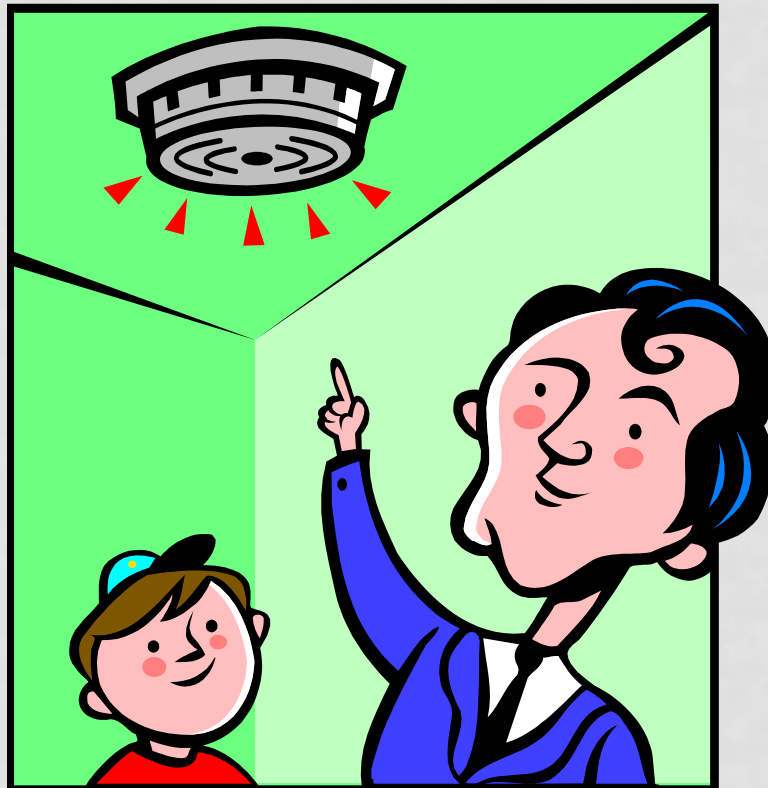


SAFETY FROM FIRE HAZARDS



SMOKE DETECTORS

- Including a Carbon Monoxide detector if a source is present



PROVIDED APPLIANCES IN GOOD REPAIR

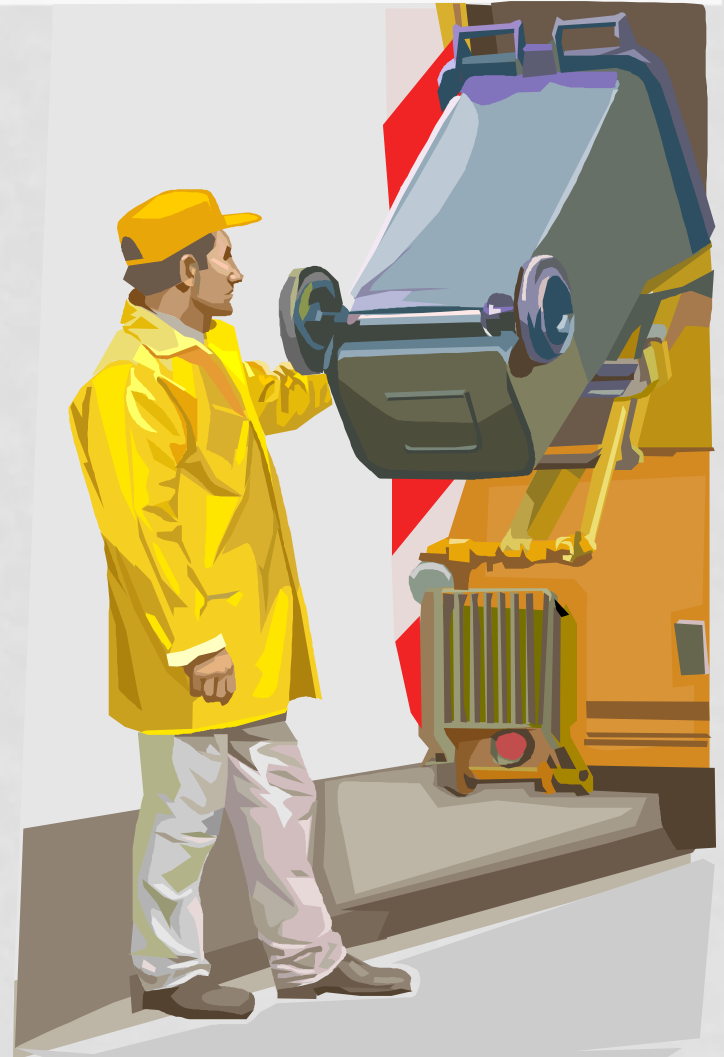


WORKING LOCKS ON DOORS



GARBAGE CONTAINERS / SERVICE

***Unless Rental Agreement
says otherwise



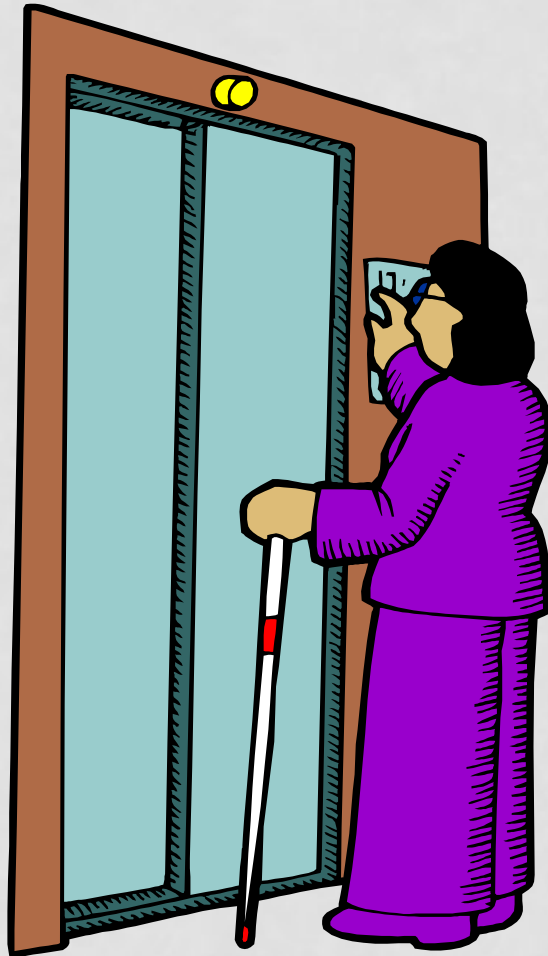
FLOORS, WALLS, CEILINGS IN GOOD REPAIR



STAIRS AND RAILINGS IN GOOD REPAIR



A/C & ELEVATORS MAINTAINED, IF PROVIDED



DO-IT-YOURSELF REPAIRS

- Less than \$300?
 - **First**, give written notice to the landlord demanding repair be made and give at least one week to fix.
 - **Second**, if the landlord fails to make the repair, make repair in a “workmanlike” manner.
 - **Third**, give invoice for parts to landlord and take the cost off the next due rent.
- Don't expect pay for your own work, unless landlord agrees before the work is done.
- **Make sure you keep proof of all these steps.**

EMERGENCY REPAIRS

- If an Essential Service breaks and you notify landlord **IN WRITING** with no response:
 - May reduce rent amount by cost of substitute service.
 - Immediate threat of harm? Give 48 hour notice in writing and move unless problem is fixed immediately.
 - Possible claim for damages.





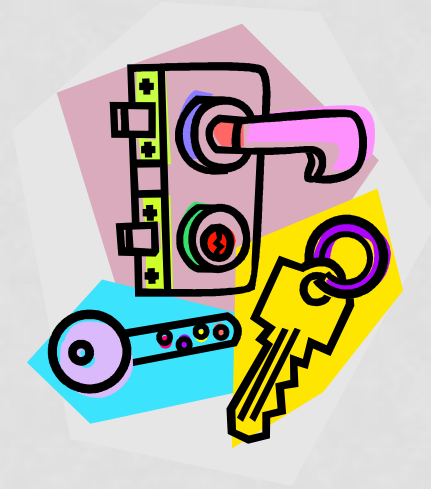
LANDLORD ACCESS

- Written 24 hour notice
 - Except when you request a repair
 - Or for an emergency
- Even with a notice you can say NO, but only for reasonable reasons!
- Unlawful entry by the landlord may give you a claim equal to one month of rent



HELP AFTER DOMESTIC VIOLENCE

- Changing locks
 - *Victim of Domestic Violence*
 - *Landlord*
 - *Who pays?*
- Removing abuser from lease
- Breaking lease early – 14 day notice



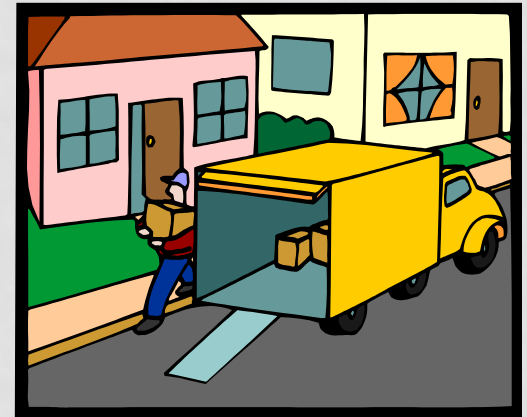
OTHER PROBLEMS

- New Roommates
- Guests
- Most landlords have a list of rules of conduct
 - Common rules:
 - Making noise at night
 - Disturbing other tenants' right to "peaceful enjoyment"

ENDING THE TENANCY

By the tenant

- Written 30 day notice to landlord
- Once you give the notice, you can't change your mind unless landlord agrees
- Clean the unit, or you could be charged or lose deposit
- Give a forwarding address



I CAN'T PAY THE RENT!



- Landlords use a **72 hour** notice if rent is not paid
- You have **72 hours** to pay the rent and if you pay during that time period, landlord must accept
- This notice cannot require payment other fees or costs within 72 hours
- Landlord does not have to accept partial rent

LANDLORD “NO CAUSE” NOTICE

- **30 day No Cause Notice**
 - For any or no reason
- **60 day No Cause Notice**
 - If you have lived there for more than one year
- **Retaliation**
 - Did you receive a notice right after making a complaint or request?
 - Consult an attorney

“FOR CAUSE” NOTICE

- **30 day For Cause Notice**
 - Violation of the rental agreement
 - Notice must state reason
- You have **14 days to fix or “cure”** the problem
 - Unless the same problem happened within the last six months

“24 HOUR” EVICTION

- For dangerous or criminal acts, a landlord can give you a **24 hour Notice**
 - For threats or personal injury
 - Substantial damage to property
 - Or certain crimes:
 - Drug possession or selling
 - Prostitution
 - Intimidation
 - Burglary



WHAT HAPPENS NEXT?

- If you get an eviction notice, try to resolve problem:
 - Pay rent
 - Fix the problem complained of
 - Talk to the landlord
- If not, you must move by the last day of the notice.
 - **If you don't move, the landlord can't lock you out!**
 - The next step for the landlord is to file an eviction in court.



I'VE BEEN SERVED PAPERS!

- Eviction papers
 - On your door and mailed
 - Look for date and time for court



- **TRY TO SEE A LAWYER BEFORE COURT!**
 - At court, the landlord may try to make an agreement with you.
 - Be realistic!
 - If you follow the agreement, the case will be dismissed.

ASK FOR A TRIAL

- No agreement made?
 - Request a trial
- Filing your **ANSWER**
 - Must be filed the same day, usually by 5pm
 - Form is free but it costs \$110 to file
 - If you can't pay, ask for a fee waiver

FILING THE ANSWER

- Why are you requesting a trial?
 - *Landlord did not make repairs*
 - *Retaliation*
 - *Domestic violence situation*
 - *Landlord's eviction notice is wrong*
- Once filed, must send copy to landlord
- Court sends you notice of the trial date
 - Set within 14 days, usually sooner

GET A LAWYER

- Contact Legal Aid
 - Your lawyer can win attorney fees from the landlord
- Most often, Landlord and Tenant settle eviction cases with an agreement



IF YOU ARE EVICTED

- **Judgment of Restitution** – Judge orders you evicted
- **Notice of Restitution** – A paper is put on your door stating a move out date, 4 days after the Notice
- **Writ of Execution** – Sheriff comes and locks you out
- **Eviction Trespass Notice** –Warning that you could be arrested for coming back

PROPERTY LEFT BEHIND

- Landlord must store your property
- How to get your property back:
 - Landlord must send you a notice, with a date to contact
 - Must give you 15 days to get property after contact
- Landlord cannot demand rent before releasing property



DID I MENTION THE MOBILE HOME?

- Laws slightly different
- Own your mobile home? You can only be evicted for cause
- Landlord only responsible for delivering water, sewer and electricity
- Park rules – upkeep, conduct
- RVs are NOT mobile homes

LEGAL AID SERVICES OF OREGON

- Oregonlawhelp.org has more information on Landlord Tenant Law.
- Legal Aid Services of Oregon
- 421 High St, Suite 110
- Oregon City, OR 97045
- (503)655-2518

